

Article - Estates and Trusts

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§4–517.

(a) In this section, “advance health care directive” means a power of attorney for health care or a record signed or authorized by a prospective donor in accordance with §§ 5–601 through 5–618 of the Health – General Article containing the prospective donor’s direction concerning a health–care decision for the prospective donor.

(b) (1) (i) If a prospective donor has a declaration or advance health care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

1. The prospective donor’s attending physician and prospective donor shall confer to resolve the conflict; or

2. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor’s declaration or directive shall act for the donor to resolve the conflict.

(ii) If there is not an agent or the agent is not reasonably available, another person authorized by a law other than this subtitle to make health care decisions on behalf of the prospective donor shall act for the donor to resolve the conflict.

(2) Information relevant to the resolution of the conflict under this subsection may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under § 4–507 of this subtitle.

(3) Before resolution of a conflict under this subsection, measures necessary to ensure the medical suitability of a part from a prospective donor may be administered unless it is determined that the administration of those measures would not provide the prospective donor with appropriate end–of–life care, consistent with reasonable medical judgment.

(4) If the conflict under this subsection is not resolved expeditiously, the direction of the declaration or advance health care directive controls.

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